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10/699,660	11/04/2003	Ching-Hui Chen	32052-8567.US	6469
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STOREY, WILLIAM C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,660

Applicant(s)

CHEN ET AL.

Examiner

WILLIAM C. STOREY

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-30 is/are rejected.
- 7) ☐ Claim(s) 2 & 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to under 37 CFR 1.75(a), which states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper form. Claim 2 reads "the paper discharge path being generally with the first axis." This does not make sense and reads indefinite as is. However, for the benefit of the applicant, the examiner will assume from the discussion provided in the applicant's remarks that the applicant intended the amended phrase of the claim to read "the paper discharge path being generally parallel with the first axis." Since the ink cartridge would move normally to the first axis, it would be reasonable to assume the paper movement path to be normal to that; thus, parallel to the first axis.
2. Claim 25 is objected to under 37 CFR 1.75(a), which states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper form. Claim 25 mentions two lateral dimensions for the scan footprint. As the two lateral dimensions would inherently be in same direction, no figure has disclosed that and the claim would be drawn to a non-elected species (if it were to exist not being new matter). For the benefit of the applicant, the examiner will assume the applicant to mean a first longitudinal dimension and a second lateral dimension.

3. Claim 25 is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim(s) refer to "the printer carriage." However, no printer carriage has been defined in the dependency structure associated with the claim(s). The examiner will assume the applicant to mean "a printer carriage."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-7, 9, & 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (5909226).

Regarding claim 1, Takeda discloses A multi-function peripheral (fig. 1), comprising: a casing (fig. 1); a scanning module disposed within the casing (fig. 1 (11), col. 5, lines 60-67) and including a scan platform (fig. 1 (10)) and a scanning unit (fig. 1 (11), col. 5, lines 60-67) for capturing image data (sensors are disclosed installed on the carriage), the scan platform having a scan footprint defined, at least in part, by a first axis having a first dimension and a second axis having a second dimension, the second axis being generally perpendicular to the first axis, and the second dimension being shorter the first dimension (fig. 1, width is longer and may be first axis (g axis), length is shorter and may be second axis (h axis)); and a printing module disposed within the casing and located below the scan platform (fig. 1,

col. 5, lines 35-52), the printing module having a printing unit including a head bracket for carrying at least one ink head (fig. 1, col. 5, lines 43-48), the printing module being configured to move the head bracket along an axis of movement that is generally parallel with the second axis of the scanning platform (fig. 1, col. 5, lines 37-40) but longer than the second axis (fig. 1 shows the carriage 8 outside of the scan footprint), the printing module being further configured to carry the head bracket to a position outside of the scan footprint (fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.)

Although Takeda did not distinctly disclose the ink heads being cartridges with ink stored therein in the embodiment discussed previously, Takeda disclosed at fig. 11, col. 14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is a replacement position for replacing the inks.

Some may argue that it is not clear that the figure shows the length of the first dimension longer than the second; however, despite the fact that the examiner feels that it is shown, it would still have been obvious to one of ordinary skill in the art at the time the invention was made to have the length of the first axis longer than the second in order to have the scan platform generally conform to the shape of a piece of paper

(which is arguably the most-scanned item) for the purpose of allowing the user ease in identifying the paper's positional relation to the overall scan.

Regarding claim 2, the claim inherits everything as applied above for claim 1. Takeda discloses wherein the casing has a paper conveying path that comprises a paper feeding path and a paper discharge path, the paper discharge path being generally parallel with the first axis of the scan platform (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the first (longest) axis of the scan platform.)

Regarding claim 3, the claim inherits everything as applied above for claim 2. As disclosed above from fig. 1, it is clear that the paper taken from the cassette and move through, up, and out of the system moves in a C-shape.

Regarding claim 5, the claim inherits everything as applied above for claim 2. Tekada discloses disclose wherein the paper feeding path extends between a paper feeding cartridge (Fig. 1, (3)) located below the scan platform (10) and the printing module (8), and the paper discharge path extends between the printing module to a paper exit chute located below the scan platform and the paper feeding cartridge (evident from figure).

Regarding claim 6, the claim inherits everything as applied above for claim 2. Although Tekada did not distinctly disclose wherein the paper feeding path extends between a paper feeding chute located on a backside of the casing to the printing module and the paper discharge path extends between the printing module to a paper exit chute located below the scan platform in the previously-discussed embodiment,

Tekada disclosed in fig.7 that paper may be loaded in a sheet feed tray (22) (paper feeding chute located on a backside of the casing) and move through the printing system in the manner claimed as evident from the figure (printing module may be read upon by (8), 1b may read on claimed scan platform)).

Regarding claim 7, the claim inherits everything as applied above for claim 1. Tekada discloses wherein the casing includes an at least partially removable cartridge lid adjacent to the cartridge replacement position (fig. 1 shows 1b (cartridge lid) being able to be lifted up (at least partially removable) to access a cartridge as discussed previously in its cartridge replacement position.)

Regarding claim 9, the claim inherits everything as applied above for claim 1. Takeda discloses wherein the scanning unit has a scanning path generally parallel with the first axis of the scan platform (fig. 1, col. 5, lines 60-67, col. 6, lines 1-3 disclose the carriage 11 (scanning unit) reciprocating in the width direction and that the carriage proceeds to the next line in the longitudinal (opposite to the feeding direction A of the recording material). Thus, the width direction is parallel with A, which represents the first axis of the scan platform.

Regarding claim 20, the claim inherits everything as applied above for claim 7. As the cartridge lid comprise the scan platform, this and fig. 1 show that the cartridge lid is generally coplanar with the scan platform.

Regarding claim 21, the claim inherits everything as applied above for claim 1. Col. 6, lines 19-20 disclose that the system disclosed is an inkjet recording means.

Inherently, an ink cartridge used by the inkjet recording means to record must be an inkjet printer cartridge.

Regarding claim 22, Takeda discloses a printer (col. 5, lines 1-17, image recording unit may read on printer) having a paper feeding unit (fig. 1, starting from (3) through to paper output and the associated elements with the paper's movement in figure 1 may read on claimed paper feeding unit) with a first longitudinal axis (fig. 1, reciprocal direction parallel with A) and a carriage bracket (fig. 1, (8)) for carrying an ink head along a first transverse axis that is perpendicular with the first longitudinal axis (fig. 1, col. 5, lines 37-40); and a scanner operably coupled to the printer (fig. 1, col. 5, lines 11-17, image reading unit may read on scanner. In order to have the functions of a copying machine (scanning then printing), the scanner must be operably coupled to the printer), the scanner including a scan platform (fig. 1 (10)) having a footprint defined by a second longitudinal axis and a second transverse axis, the second longitudinal axis aligned with the first longitudinal axis of the paper feeding unit and the second transverse axis perpendicular with the longitudinal axis of the scan platform (fig. 1, width is longer and may be second longitudinal axis (aligned with g axis), length is shorter and may be second transverse axis (aligned with h axis)), wherein the carriage bracket is configured to carry the printer cartridge along the first transverse axis of the printer to a position that is outside of the footprint of the scanner (fig. 1 shows the carriage 8 outside of the scan footprint and fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being

stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.).

Although Takeda did not distinctly disclose the ink heads being cartridges with ink stored therein in the embodiment discussed previously, Takeda disclosed at fig. 11, col. 14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is a replacement position for replacing the inks.

Regarding claim 23, the claim inherits everything as applied above for claim 22. Takeda discloses wherein the printer is generally below the scanner (fig. 1, col. 5, lines 13-16, image recording unit may read on printer, image reading unit may read on scanner), and the paper feeding unit comprises a generally C-type shape (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the second longitudinal axis of the scan platform. As disclosed above from fig. 1, it is clear that the paper taken from the cassette and move through, up, and out of the system moves in a C-shape.)

Regarding claim 25, Takeda discloses a scanning module (fig. 1, col. 5, lines 10-16, image reading unit) including a scan platform (fig. 1, (10)) and scanning means (fig. 1, (11)) for acquiring image data (col. 6, lines 4-8) regarding an object positioned at the scan platform (It is inherent that there be some sort of object positioned at the scan

platform to scan in order to get meaningful information back.), the scan platform having a generally rectangular footprint (fig. 1) that includes a first longitudinal dimension and a second lateral dimension that is shorter than the first longitudinal dimension (fig. 1, width is longer and may be first longitudinal dimension (aligned with g axis), length is shorter and may be second lateral dimension (aligned with h axis));

a printing module operably coupled to the scan platform (fig. 1, col. 5, lines 10-16, image recording unit) and including printing means (image recording unit parts associated with printing) employing an ink head for printing a graphical image associated with the object (col. 5, lines 36-50. The system allows for printing a graphical image. Col. 5, lines 11-13 disclose the system provided with the functions of a copying machine so that the image of scanned object may be printed), the printing means carrying a printer carriage along an axis of motion that is generally in parallel with the second lateral dimension of the rectangular footprint (fig. 1, col. 5, lines 37-40, recording carriage reads on printer carriage), the printing means also carrying the printer cartridge to an ink head replacement position, the ink head replacement position being outside of the rectangular footprint of the scan platform (fig. 1, col. 6, lines 63-67 and col. 7, lines 1-3 disclose the carriage with the different color ink heads being stationed outside the scan foot print when the system is open that would allow access to the ink and ink heads.); and

means for commonly housing the scanning module and the printing module (fig. 1).

Although Takeda did not distinctly disclose the ink heads being cartridges with ink thereon in the embodiment discussed previously, Takeda disclosed at fig. 11, col.

14, lines 66-67 and col. 15, lines 1-6 the ink on the carriage that may be exchanged therefrom. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to provide the ink heads being cartridges with ink thereon for the purpose of reducing manufacturing costs. Inherently, as the carriage is stationed outside of the scan footprint whenever the cover is opened as mentioned previously, the carriage is a replacement position for replacing the inks.

Some may argue that it is not clear that the figure shows the length of the first axis longer than the second, making a generally rectangular footprint; however, despite the fact that the examiner feels that it is shown, it would still have been obvious to one of ordinary skill in the art at the time the invention was made to have the length of the first axis longer than the second in order to have the scan platform generally conform to the shape of a piece of paper (which is arguably the most-scanned item) for the purpose of allowing the user ease in identifying the paper's positional relation to the overall scan.

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard

Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original)."-MPEP 2114-R1. The system is categorically representative of an apparatus. Therefore, any structurally-equivalent system *capable* of performing the functionality described in the claim would anticipate the claim.

Regarding claim 26, the claim inherits everything as applied above for claim 25. Takeda discloses a paper conveying means (evident from fig. 1) operatively coupled (inherent to be able to print on the paper effectively) with the printing module, the paper conveying means including a paper feeding path and a paper discharge path (fig. 1 discloses paper being taken from a cassette ((3), paper feeding path) and discharged out all in parallel with the first longitudinal dimension of the scan platform.)

Regarding claim 27, the claim inherits everything as applied above for claim 26. The claim is similarly rejected based upon reasoning applied for claim 5 in conjunction with evidence from fig. 1.

Regarding claim 28, the claim is rejected based upon similar reasoning as applied above for claim 28 in conjunction with evidence from fig. 1.

Regarding claim 29, the claim is rejected based upon similar reasoning as applied above for claim 3.

6. Claim 4, 24, & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda as applied to claims 2, 22, and/or 26 above, and further in view of Sasaki et al. (US 20030184627), hereinafter referred to as Sasaki.

Regarding claim 4, the claim inherits everything as applied above for claim 2. Although Tekada did not distinctly disclose the paper conveying path having an L-

shape, Tekada disclosed in fig.7 that paper may be loaded in a sheet feed tray (22) and move through the printing system.

However, some may argue that the shape provided by Tekada does not really look like an "L." In a similar field of endeavor, Sasaki discloses a multi-function system with a paper feed tray. In addition, Sasaki discloses fig. 3 that shows a system that feeds paper in an "L" shape from (22) to (34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tekada by specifically providing a more upright paper feed tray that allows the paper path to look like an "L," as taught by Sasaki, for the purpose of not taking up as much "counter space."

Regarding claim 24, the claim inherits everything as applied above for claim 22. The claim is similarly rejected as applied for claim 4. Takeda discloses wherein the printer is generally below the scanner (fig. 1, col. 5, lines 13-16, image recording unit may read on printer, image reading unit may read on scanner).

Regarding claim 30, the claim is rejected based upon similar reasoning as applied above for claim 26.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda as applied to claim 7 above, and further in view of Yamamoto et al. (US 20030184771), hereinafter referred to as Yamamoto and Wilcox et al. (US 6151140), hereinafter referred to as Wilcox.

However, Takeda did not distinctly disclose wherein the cartridge lid has a control panel thereon.

In a similar field of endeavor, Yamamoto discloses a multi-function imaging device. In addition, Yamamoto discloses fig. 1 showing an operation panel 6 (control panel). ¶15 discloses that it is well known to pivot the scanner (as a lid or cover to the printing section in fig. 1) with respect to the printer to replace the ink cartridge, as similarly done by Takeda.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda by specifically providing wherein the cartridge lid has a control panel thereon, as taught by Yamamoto, for the purpose of allowing the user easier visibility and access to control the operations of the device by having it up on the top of the machine on the lid.

However, Yamamoto did not distinctly disclose a control panel lifted up above in the raised position.

So, for further support, in a similar field of endeavor, Wilcox discloses an imaging device with openable cover. In addition, Wilcox discloses a display/control panel 80 in fig. 1 that may be lifted up with the top portion 17 in fig. 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto and Takeda by specifically providing the control panel able to be lifted up above in a raised position, as taught by Wilcox, for the purpose of allowing easier maintenance access while still retaining access and visibility to the control panel.

Response to Arguments

8. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM C. STOREY** whose telephone number is (571)270-3576. The examiner can normally be reached on Monday - Friday Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Storey/
Examiner, Art Unit 2625

William C Storey
Examiner
Art Unit 2625

/W. C. S./
Examiner, Art Unit 2625
/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625